

**A. Purpose**

To articulate the process for students to report bullying, harassment, and intimidation.

**B. Background**

The Board of Education of Frederick County (Board) is committed to establishing and promoting a safe, non-threatening environment that is welcoming and inclusive for all students to learn and employees to work. Safety is critical for fostering an environment that is conducive to learning and growing, and for building healthier relationships. Providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships and wellness. Therefore, the Board believes that bullying, harassment, intimidation, discrimination, or hazing are both morally wrong and offensive and such conduct will not be tolerated on Frederick County Public Schools (FCPS) property or at FCPS sponsored events. Also, consequences may be imposed for off-campus acts if such acts cause a substantial disruption to the school environment.

**C. Definitions**

1. “Bullying” is defined to mean unwanted, demeaning behavior among students that involves a real or perceived power imbalance. The behavior is repeated, or is highly likely to be repeated, over time. To be considered bullying, the behavior must be intentional and include: 1) *an imbalance of power* (students who bully use their physical, emotional, social, or academic power to control, exclude, or harm others), and 2) *repetition* (bullying behaviors happen more than once or are highly likely to be repeated based on evidence gathered).
2. “Cyberbullying” is defined to mean bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through texting, apps, or online via social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or hurtful content about another student. It can include sharing personal or private information about someone else causing embarrassment or humiliation.
3. “Harassment” is defined to mean actual or perceived negative actions that offend, ridicule, or demean another student with regard to race, which may also include acts of racism, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, genetic information, religion, ancestry,

physical attributes, health condition, socioeconomic status, physical or mental ability, or disability.

4. “Intimidation” is defined to mean any communication or action directed against another student that threatens or induces a sense of fear and/or inferiority. Retaliation may be considered a form of intimidation.
5. “Racism in FCPS” is defined in Board [Policy 117, \*Anti-Racism\*](#), to mean the failure of FCPS to provide a safe, inclusive, and appropriate education to students (or a workplace for staff) based on their color, culture, or ethnic origin. The failure can be intentional or unintentional and stem from animus or bias. Racism in FCPS also incorporates bullying, harassment, intimidation, and discrimination based on color, culture, or ethnic origin.

## **D. Procedures**

### **1. Examples of Bullying, Harassment and Intimidation**

- a. Bullying and/or harassment may occur when:
  - i. The conduct is sufficiently severe, persistent or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.
  - ii. The conduct has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance.
  - iii. The conduct otherwise adversely affects an individual’s learning opportunities.
  - iv. Examples of conduct that may constitute discrimination/harassment may include:
    1. Name-calling, jokes or rumors;
    2. Threatening or intimidating conduct directed at another;
    3. Notes, cartoons, or graffiti;
    4. Specific slurs or negative stereotypes;
    5. Written or graphic material containing comments or stereotypes, which is posted or circulated and which is aimed at degrading individuals or members of affected classes;
    6. A physical act of aggression or assault upon another;
    7. Other kinds of aggressive conduct such as theft or damage to property, which is motivated by the fact that the person is in an affected class;
    8. Gaze; and
    9. Intentional exposure.
- b. **Bullying/Harassment/Intimidation Due to Sex**
  - i. Sexual harassment is a form of discrimination based on sex and consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct or communication of a sexual nature by another person when:
    1. The harassing conduct causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when an employee or third-party agent of the school district causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct; or

2. The unwelcome sexual conduct is severe, persistent or pervasive such that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment.
- ii. Examples of conduct, which may constitute sexual harassment include but are not limited to:
    1. Sexual advances;
    2. Sexting (electronic transfer of pictures or text of a sexual nature);
    3. Touching, patting, grabbing, or pinching another person's intimate body parts, whether that person is of the same sex or the opposite sex;
    4. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate body parts;
    5. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
    6. Graffiti of a sexual nature;
    7. Sexual gestures;
    8. Sexual or dirty joke;
    9. Showing pornographic images to others;
    10. Touching oneself sexually or talking about one's sexual activity in front others;
    11. Spreading rumors about or rating other students as to sexual activity or performance;
    12. Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact;
    13. Other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment;
    14. Making fun of another person because of perceived or actual sexual orientation, gender identity, or familial status; and
    15. Sexual sounds
- c. **Bullying/Harassment/Intimidation due to Race, National Origin, Disability, Religion, Socioeconomic Status, Sexual Orientation, Gender Identity or Gender Expression**
    - i. Harassment based on race or national origin can include an individual's ancestry, country of origin, or country of origin of the student's parents, family members, or ancestors. In addition, harassment can occur because a person is an immigrant, speaks another language or has a foreign accent.
    - ii. Harassment based on disability refers to an individual having a physical or mental impairment, which substantially limits one or more major life activities or references to the program or services a student receives based on his/her disability. Harassment based on disability may also be related to health condition or genetic information.
    - iii. Harassment based on religion includes reference to an individual's commitment or devotion to religious faith or observance, or lack thereof.
    - iv. Harassment based on socioeconomic status relates to or involves a combination of social and economic factors in regard to an individual.

- v. Harassment based on gender identity/gender expression or sexual orientation refers to an individual's physical, romantic, and/or emotional attraction to people of the same and/or opposite gender and/or to one's internal sense of one's own gender or expression.

## 2. Prevention

- a. Effective bullying prevention efforts work to improve the overall social and emotional climate of a school, and foster positive social or inclusive behavior among all students. Bullying prevention curriculum, positive behavioral intervention supports (PBIS), and social emotional learning (SEL) are designed to address student needs.
- b. The school system recognizes its responsibility to implement the following practices in an effort to prevent bullying and harassment in the schools:
  - i. Conduct annual professional development for administrators and all staff to increase awareness of the prevalence, causes and consequences of bullying and to increase the use of evidence-based strategies for preventing bullying. Additional professional development may be provided for new employees who are hired after the start of school during the school year.
  - ii. Implement counseling and health curriculum on bullying and sexual harassment prevention using school-wide evidence-based anti-bullying programs as a part of a system of positive behavioral supports and school improvement efforts at all grade levels.
  - iii. Create school climate improvement efforts to promote student involvement in the anti-bullying efforts, peer support, mutual respect, and a culture which encourages students to report incidents of bullying to adults.
  - iv. Collaborate with families and the community to inform parents about the prevalence, causes and consequences of bullying, including its central role as a public health hazard, and the means of preventing it.
  - v. Collect annual school/building-specific data on the prevalence and characteristics of bullying to guide local decision-making related to surveillance, prevention, intervention and professional development.

## 3. Intervention/Supports

- a. Support services are available to the respondent, the targeted individual, witnesses, and any bystanders. Interventions and programs should be implemented as appropriate based on context, situation, age, and severity. Schools are encouraged to provide a list of the types of available support services based upon their available resources and those available in the communities in which their schools are located.
- b. Consequences and educational activities for persons committing acts of bullying, harassment, or intimidation and for peers engaged in reprisal or retaliation and for persons found to have made false accusations will be imposed in accordance with [FCPS Regulation 403-01, Student Discipline](#).
- c. A conference may be held with the parent/legal guardian and student to determine how best to help the student prevent future acts of misconduct.
- d. The student is required to participate in an activity designed by the school administrator, counselor or school team to educate, sensitize and instill openness and tolerance within approximately two weeks after the investigation.

- e. Intervention and restorative practices may be offered to students involved in claims of harassment/intimidation with the understanding a student target will not be placed in a setting with a respondent student without expressed consent and supports offered.

#### **4. Students Who Have an Individualized Education Program (IEP) or 504 Plan**

- a. This section only applies when it has been concluded by the school administrator that bullying, harassment or intimidation has occurred against a student who has an IEP/504 plan.
- b. Schools are obligated to ensure that a student with a disability who is the target of documented bullying, harassment or intimidation behavior continues to receive a free and appropriate public education (FAPE) in accordance with his or her IEP/504.
- c. The school, as a result of the effects of bullying, harassment or intimidation, must convene an IEP/504 team to determine whether, as a result of the effects of bullying, harassment or intimidation, the student's needs have changed and revise the IEP/504 accordingly.
- d. The IEP/504 team should consider examining the environment in which the bullying, harassment or intimidation occurred to determine if changes to the environment are warranted.
- e. The IEP/504 team should exercise caution when considering a change in the placement or the location of services provided to the student, and should keep the student in the current placement unless the student can no longer receive FAPE in the current least restrictive environment (LRE) placement.
- f. In all cases the documented prior written notice must be given to the parent, prior to any implementation in change of IEP/504.

#### **5. Reporting and Investigation Procedures**

- a. Reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are targets, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation is prohibited in all Maryland schools and may be subject to disciplinary consequences.
- b. Bullying, Harassment, or Intimidation Reporting Form
  - i. The Bullying, Harassment, or Intimidation Reporting Form is used to report alleged incidents of bullying, harassment, or intimidation that occurred during the current school year on school property, at a school-sponsored activity or event off school property, on a school bus, on the way to and/or from school, or through electronic communication on or off school property.
  - ii. The Bullying, Harassment, or Intimidation Reporting Forms will be easily accessible to anyone one in the school's main (front) office and counselor's office. Bullying, Harassment, or Intimidation Reporting Forms may be submitted by a student, parent, close adult relative, or staff member to school administration.
  - iii. The FCPS Bullying, Harassment, or Intimidation Reporting Form is available in a printable version, as well as one that can be completed and submitted online on the FCPS website at this [link](#). A QR code is also provided:



- iv. A student may request assistance from a staff member to complete the form if the student wishes. If a student expresses a desire to discuss an incident of bullying, harassment or intimidation with a staff member, the staff member will provide the student with a practical, safe, private, and age-appropriate way of doing so.
- v. The definitions and process for reporting bullying, harassment and intimidation will be shared with the FCPS community quarterly.

**6. Providing Notice of an Act of Bullying, Harassment, or Intimidation**

- a. The school should take prompt action to provide notice to parents.
- b. A parent or guardian of the alleged targeted student will be notified within three business days after the date the act is reported.
- c. A parent or guardian of the respondent student will be notified within five business days after the date the act is reported.

**7. Investigation of Acts of Bullying, Harassment, or Intimidation**

- a. School administration will address incidents that occur at school or have a connection back to the school setting, that create a risk of harm to other students while they are at school, or interferes with or disrupts the educational environment.
- b. The school principal, or designee, will initiate the investigation of student complaints against students within two school days, when possible.
- c. If it has been established that an incident may have occurred, an administrator shall contact a parent/guardian of the student making the complaint and a parent/guardian of the respondent(s) of the incident.
- d. The administrator reporting the incident will inform the parent/legal guardian that the student is being offered counseling support. Conferences with the targeted student and respondent, will occur separately within two weeks, and then again four weeks after the investigation to determine whether the bullying, harassment, or intimidation has continued and whether there is a need for further additional interventions or supports afforded to both the targeted student and the respondent.
- e. The administrator conducting the investigation will complete the Incident Investigation Form and send copies, including the Incident Reporting Form and the Counseling Intervention Report to the Supervisor of Behavioral Health and Student Services.
- f. The administrator/designee will create a written record of the bullying, harassment or intimidation incident and any disciplinary actions taken, as well as the statements of the targeted individual, witnesses, and respondent. Discussions with all parties should be documented as soon as possible after the event. Any material records or evidence will be maintained as a student record in accordance with FCPS [Regulation 400-20 Student Records](#), and, if legal proceedings have been filed, maintained as a retention of documents.

- g. The administration/designee will be aware that some acts of bullying, harassment, or intimidation could also be delinquent acts. If the acts are delinquent acts, the acts shall be reported promptly to the responsible law enforcement agency in accordance with the Code of Maryland Regulations (COMAR) 13A.08.01.15.
- h. Student complaints against a staff member will be initially investigated by the school principal/designee in consultation with the Director of Human Resources. The principal and the Director of Human Resources will jointly determine appropriate follow-up investigations as warranted.
- i. The Director of Human Resources will investigate a complaint against a volunteer, vendor, or other person having business or contact with the school system and will report findings and recommend appropriate action to the Superintendent or designee.
- j. If at any time the parent/legal guardian has questions or concerns about the process, they may contact the principal or Supervisor of Behavioral Health and Student Services.

#### 8. **Confidentiality**

- a. Although confidentiality cannot be guaranteed, efforts will be made to increase the confidence and trust of the targeted individual and any witnesses, by informing them that any information discussed and recorded will be confined to “need to know” status.
- b. If, for the investigation, sharing the name of the targeted student is deemed essential, the investigator will apprise the targeted student and provide the rationale, except as it may compromise the integrity of the investigation or violate the rights of the respondent.
- c. Information contained in a Bullying, Harassment, or Intimidation Reporting Form is confidential and may not be redisclosed except as allowable under the Family Educational Rights and Privacy Act of 1974 (FERPA) and in accordance with exceptions as outlined under FCPS [Regulation 400-20, Student Records](#), and by subpoena.
- d. The Bullying, Harassment, or Intimidation Reporting Form may not be made part of the student’s permanent education record as stipulated under § 7-424 Education Article, *Annotated Code of Maryland*.

#### 9. **Documenting and Investigating Reports of Racism.** All reports of racism shall be recorded electronically when entering bullying, harassment, and intimidation events.

#### 10. **Title IX Complaint Reporting Procedures**

- a. Title IX is that portion of the Educational Amendments of 1972 which prohibits discrimination on the basis of gender in educational programs or activities receiving federal funds and requires equal opportunity in admissions, athletics, counseling, access to courses, employment policies regarding marital or parental status of students and treatment of students.
- b. All students and employees are covered by this law
- c. Title IX also prohibits intimidation, threats, coercion, or retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulation or because an individual has made a complaint,



testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding Title IX.

- d. For purpose of this section:
  - i. The Title IX coordinator for allegations of discrimination in interscholastic high school athletics is the Supervisor of Athletics and Extracurricular Activities.
  - ii. The Title IX coordinator for allegations of sexual discrimination involving an adult is the Director of Human Resources.
  - iii. Allegations between students are investigated as outlined under paragraph D(7).
  - iv. Title IX complaint reporting procedures are outlined in [Board Policy 116 Title IX Sexual Harassment](#). Notification of reporting can also be found on the FCPS website at: <https://www.fcps.org/non-discrimination>
  - v. Note: Educational environment may include a college campus as it pertains to dually enrolled students. In the event a dually enrolled student alleges discrimination occurred on the college campus, the investigation will be coordinated between Title IX Coordinators of both institutions.

#### 11. **Limitations of Liability**

- a. Per Maryland law, a school employee who reports an act of bullying, harassment, or intimidation in accordance with this regulation is not civilly liable.
- b. All school employees who observe, receive reports of, overhear, or otherwise witness bullying, intimidation, or harassment or to whom such harassment is reported shall take prompt and appropriate action.

#### 12. **Reporting Responsibilities - Responsibility of Staff**

- a. Staff members have a responsibility to notify a school administrator if they observe or are aware that a student has been bullied, intimidated, or harassed by another individual.
- b. Staff members who engage in, fail to appropriately address or report bullying, harassment, or intimidation, may be subject to disciplinary consequences up to and including termination.

13. **Notification.** Notification of the discrimination/bullying/harassment complaint process will be communicated through the FCPS Calendar Handbook, FCPS website, as well as systemic and school messages.

14. **Maryland State Department of Education Support.** The Maryland State Department of Education (MSDE) is familiar with the reporting and investigation procedures of Frederick County Public Schools. Individuals with questions may contact the following MSDE staff: Director of Student Services & Alternative Programs Branch School Safety Specialist, 410-767-0311.

### **E. Related Information**

#### 1. **Board Policy**

- a. [Policy 116, Title IX Sexual Harassment](#)
- b. [Policy 117, Anti-Racism](#)



- c. [Policy 309, Discrimination and Harassment – Employees/Applicants/Community Members](#)
  - d. [Policy 437, Bullying-Harassment-Intimidation](#)
2. **Code of Maryland Regulations (COMAR)**
    - a. [COMAR 13A.08.01.15](#)
  3. **Federal Law**
    - a. [Family Educational Rights and Privacy Act of 1974 \(FERPA\)](#)
    - b. [Title IX of the Education Amendments Act of 1972](#)
  4. **FCPS Regulations**
    - a. [Regulation 400-20, Student Records](#)
    - b. [Regulation 403-01, Student Discipline](#)
  5. **FCPS Resources**
    - a. FCPS [Bullying, Harassment, or Intimidation Reporting Form](#)
    - b. FCPS [Notice of Non-Discrimination](#)
  6. **Maryland Law**
    - a. Maryland Code Ann., Education Article § 7-424

**F. Regulation History** (Maintained by Legal Services)

<i>Responsible Office</i>	<i>Student Services</i>
Adoption Dates	07/01/86
Review Dates	
Revision Dates	07/01/22, 08/08/23